



YELLOWSTONE COUNTY ZONING COMMISSION

YELLOWSTONE COUNTY, MONTANA

Monday, March 10, 2014

SUBJECT: Zone Change #649 – Cole Street
THROUGH: Candi Millar, AICP, Planning Director
FROM: Nicole Cromwell, AICP, Zoning Coordinator

REQUEST

The applicant is requesting a zone change from Entryway General Commercial (EGC) to Community Commercial (CC) on a 42,014 square foot parcel of land described as Lot 7A2 of Cole Acreage Tracts Subdivision. The property is generally located just north of Western Security Bank on the west side of Cole Street. The property is vacant. The applicant conducted a pre-application neighborhood meeting on January 28, 2014. The Planning staff is forwarding a recommendation of denial based on the 11 criteria for zone changes.

APPLICATION DATA

OWNER: Glacier Bank, Scott Godfrey
AGENT: Ron Elkin, NAI Business Properties
LEGAL DESCRIPTION: Lot 7A2, Cole Acreage Tracts Subdivision
ADDRESS: None assigned – Cole Street
SIZE OF PARCEL: 42,014 square feet
EXISTING LAND USE: Vacant
PROPOSED LAND USE: Personal storage warehouses
EXISTING ZONING: EGC
PROPOSED ZONING: CC

APPLICABLE ZONING HISTORY

Subject Property

Zone Change #152 – A zone change from R-96 to CC was approved on October 25, 1977.

Zone Change #457 – A zone change from CC to EGC was approved on September 28, 1995.

(Johnson Lane Master Plan zone change)

Surrounding Properties – Many of the surrounding properties were part of the Johnson Lane Master Plan zone change approved in September 1995. The Board of County Commissioners approved the master plan by resolution in July 1994. The Johnson Lane Master Plan and adopted zoning was intended to attract businesses that serve tourists and travelers and make this entry to Lockwood more appealing through enhanced building design and attractive and abundant landscaping. Similar interchange entryway plans and zoning were implemented at the South Billings Boulevard/I-90 Interchange and the Zoo Drive/I-90 Interchange.

No amendments to the approved Johnson Lane Master Plan have been made since its adoption. Several zone changes were adopted prior to the master plan including re-zoning from R-96 to CC, Neighborhood Commercial (NC) and Highway Commercial (HC). Properties northwest of the Johnson Lane interchange were specifically excluded from the Master Plan and remain in the Controlled Industrial (CI) zone. Properties northwest of the Johnson Lane interchange were also specifically excluded from the master plan and remain in the Heavy Industrial (HI) zone.

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: EGC
Land Use: I-90 on ramp & Holiday Inn Express
SOUTH: Zoning: EGC
Land Use: Western Security Bank
EAST: Zoning: EGC
Land Use: Single family dwellings
WEST: Zoning: EGC
Land Use: I-90 on ramp

REASONS

The subject property is located north of Western Security Bank and south west of the Holiday Inn Express. The property is vacant and currently owned by Glacier Bank (Western Security Bank). The owner has a prospective buyer who intends to develop personal storage units on the property. The current zoning, EGC, does not allow personal storage warehouses. Entryway Light Industrial (ELI) is an entryway zoning district that may allow personal storage units. The applicant did not propose an ELI zoning district. The landscaping requirements in entryway districts would require a buffer yard on both Cole Street and the I-90 ramp of at least 15 feet in width with a density of trees and shrubs based on the buffer yard width. The building design standards for entryway districts prohibit flat building facades longer than 100 feet that parallel a street. Both of these requirements would reduce the number of personal storage units that could be constructed on this 42,014 square foot parcel.

The proposed zoning, CC, does allow personal storage warehouses. This property was zoned CC prior to the adoption of the Johnson Lane Master Plan and the subsequent re-zoning to EGC. The CC zone does not have building design standards but has minimum setbacks, maximum lot coverage and building height maximums. The CC zone does require landscaping – 10% of the lot area not covered by structures. Half of this required landscaping must be along Cole Street. The number of trees is based on the number of off-street parking spaces. Off-street parking of 9 or fewer spaces does not require any trees or landscaping.

The current EGC zoning was adopted in 1995 following the adoption of the Johnson Lane Master Plan, a sub-area plan similar to a neighborhood plan. Three of the properties within the Johnson Lane Master Plan area were developed prior to the entryway zoning including the

Flying J Truck Plaza, Burger King and the truck wash south of the Old Hardin Road intersection. Western Security Bank, First Interstate Bank, the Exxon gas station and convenience store, the Lockwood Center multi-tenant strip mall, the Lucky Diamond Casino and Lockwood Square multi-tenant strip mall were all developed after the master plan approval and zone change to entryway zoning. The properties would have met the design and landscaping standards at the time of construction.

The property has its access frontage on Cole Street and the west property line abuts the interstate on ramp. Cole Street is a small commercial street that connects with Old Hardin Road just east of the Johnson Lane intersection. The proposed use for personal storage warehousing should generate about 30 additional vehicle trips per day. This small amount of additional traffic should not over burden the existing intersections. Any new commercial development on this small parcel would likely not impact the function of the surrounding streets or intersections.

The entryway zoning requires each development to adhere to site development standards for building design, landscaping, lighting and signage that are more substantial than standard commercial zoning districts. For example, the entryway zoning does not allow exposed fastener metal siding, limits long flat facades on new buildings, and requires landscaped buffer yards along each public right of way including the interstate. Parking lot and site lighting is also restricted to minimize impact on surrounding property. These site development requirements may add to the cost of property development but are intended to create a more attractive environment for the types of businesses allowed in entryway zoning such as retail and businesses providing services to tourists and interstate travelers.

The property is not within the 5-year limits of annexation area for the City of Billings, and not within any Long Range Urban Planning Area on the City Limits of Annexation Map. The property is not adjacent residential uses but is adjacent to the interstate on ramp and has high visibility from the interstate over pass and adjacent properties. Commercial uses are adjacent to the south and north east. There are two residences located south and east of the subject property on Old Hardin Road.

The applicant conducted a pre-application meeting and the meeting notes are attached to this report. No surrounding owners attended the pre-application meeting and the Planning Division did not receive any correspondence from surrounding owners. Mr. Woods from Lockwood Water and Sewer District stated water and sewer are both available to this property and the property is participating in the Phase I sewer bond payment. The proposed development will not need a connection to either public utility since no occupied structures are proposed.

The County adopted the Lockwood Neighborhood Plan in August 2006. The land use for this area was not predicted to change since the Johnson Lane Master Plan was in place and the zoning was approved in 1995. The adjacent residential homes to the south and east may be impacted by some uses allowed in both the EGC and CC zones. The Lockwood Neighborhood Plan emphasizes development of commercial land uses in the Johnson Lane interchange area. Both the EGC and the CC zone allow similar commercial uses. The primary difference in the

two zoning districts is the site development standards in the EGC for enhanced buffer yards and building design to create a pleasing entryway environment for the traveling public stopping Lockwood for services or visiting the area.

Uses allowed in the CC zone could have an impact on traffic. The Planning staff must consider all potential uses on the subject property including retail, commercial office space, restaurants (with or without alcohol service), and multi-family uses. If the property were developed for multi-family dwellings, then new traffic generated would likely be increased beyond what is anticipated with the proposed shop building development. A 5,000 square foot restaurant would generate approximately 200 new vehicle trips per day. A more intense use under the proposed zoning would require additional analysis of traffic circulation at the intersection of Cole Street and Old Hardin Road.

Planning staff has reviewed this application and is forwarding a recommendation of denial for the proposed zone change based on the 11 criteria for zone changes. The property is located adjacent to commercial zoning districts and has reasonable access to Old Hardin Road, a minor arterial street. The Johnson Lane Master Plan and adopted zoning was intended to attract businesses that serve tourists and travelers and make this entry to Lockwood more appealing through enhanced building design and attractive and abundant landscaping.

The rapid development of the Johnson Lane interchange area after the adoption of the master plan and zone change demonstrates the effectiveness of this plan. Further development in the past 10 years slowed due to the lack of public sewer services. Lockwood has constructed its Phase I public sewer in the past 2 years and further development according to the master plan and zoning can now occur. The Lockwood Community Plan did not have a specific plan for this area other than the existing zoning and uses. There have been no amendments proposed for the master plan area and the previous impediment – lack of public sewer services – has been addressed.

RECOMMENDATION

Denial of Zone Change #649 and adoption of the 11 criteria for this zone change.

PROPOSED ZONING COMMISSION DETERMINATIONS

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County and City of Billings 2008 Growth Policy?*

The proposed zoning does not comply with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).

This zone change would allow for development of a vacant parcel to a lesser standard than surrounding parcels. The use is compatible with the surrounding uses but the site landscaping and building design will detract from those uses. This is not consistent with the Johnson Lane Master Plan or the Lockwood Community Plan.

- Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).

This property is directly adjacent to commercial uses and has adequate access to Old Hardin Road via Cole Street. The proposed use will not be compatible with the Holiday Inn Express and Western Security Bank. The site development standards in the CC zone will be incompatible with the adjacent properties and not sensitive to the entryway standards in place for these properties and the purpose of the Johnson Lane Master Plan.

2. *Is the new zoning designed to secure from fire and other danger?*

The subject property is currently served by the Lockwood Fire Department with mutual aid from the Billings Fire Department. The nearest fire station is located on Driftwood Lane ½ mile to the east. Billings Fire Station #1 is 5.2 miles to the west. Depending on the specific uses, the Lockwood Fire Department may require specific development characteristics to prevent structure fires.

3. *Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?*

Transportation: The new zoning will increase traffic slightly on Cole Street and Old Hardin Road. The County will require any new development that adds 500 new vehicle trips per day to analyze the impact of the additional traffic. The proposed use will generate about 30 new vehicle trips per day. Any new drive approaches will need to receive approval from County Public Works.

Water and Sewerage: The property will be served by public water and sewer systems through permission of Lockwood Water and Sewer District. The proposed use does not intend to use either public utility at this time.

Schools and Parks: The proposed zoning should not impact the student population. Residential uses are not planned for the property.

Fire and Police: The subject property is serviced by the Lockwood fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

4. *Will the new zoning promote health and general welfare?*

The new zoning will allow development of property that is adjacent to existing commercial uses to the north and west. Commercial development should not have a negative impact on the residential use to the east and south. The proposed CC zoning will

allow the owner to use and market the property for a greater variety of commercial uses, some of which may not promote the health and general welfare of the area.

5. *Will the new zoning provide adequate light and air?*

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

6. *Will the new zoning effect motorized and non-motorized transportation?*

The proposed zoning itself will not generate more traffic on any of the adjacent streets. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails. Residential development is generally located south and east of the property. The 2011 Bikeway and Trail Master Plan indicates Old Hardin Road as a potential long-range on-street bike lane. The additional traffic generated if the property is developed should not affect any mode of transportation on the adjacent streets.

7. *Will the new zoning be compatible with urban growth in the vicinity?*

The proposed zoning is not compatible with the adjacent entryway developments because the building design, landscaping and site lighting will be significantly different than the adjacent urban growth.

8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*

The subject property is in an area that is a mix of commercial and residential uses. The property is suitable for CC uses but the site development will be out of character with the adjacent uses due to reduced landscaping and buildings with long flat facades.

9. *Will the new zoning conserve the value of buildings?*

The new zoning will allow the development of new commercial uses adjacent to similarly zoned property and to single family homes to the east and south. There are no existing structures on the site. The proposed development may have a negative effect on the adjacent uses due to reduced site development standards.

10. *Will the new zoning encourage the most appropriate use of land in Yellowstone County?*

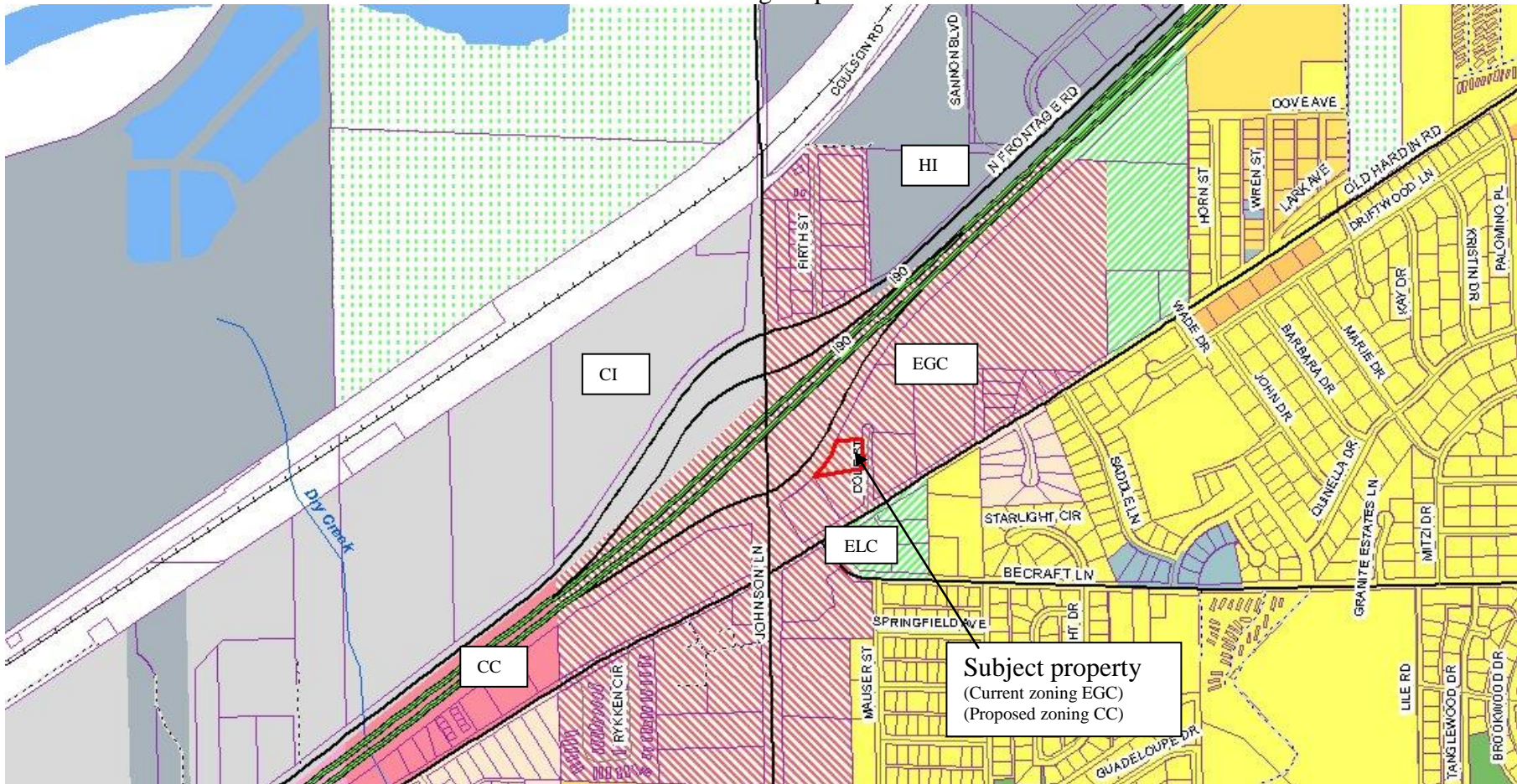
The property is suitable for some of the uses allowed in the CC zoning district. The most appropriate use of the land is for tourist or traveler related businesses. The proposed personal storage warehouse is not a tourism related use.

11. *Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?*

The proposed zoning is not close to the City of Billings but is compatible with the typical urban development near arterial intersections. The proposed zoning does not fit with the Entryway Zoning in place on the property and developed by the County through the Johnson Lane Master Plan.

Attachment A:	Zoning Map
Attachment B:	Applicant Letter & Pre-application neighborhood meeting minutes
Attachment C:	Site Photographs
Attachment D:	Johnson Lane Master Plan Supporting Documents

Attachment A - Zone Change #649
Zoning Map



Attachment B - Zone Change #649
Applicant Letter & Pre-application neighborhood meeting minutes

APPLICATION FORM

COUNTY ZONE CHANGE

ID: County Zone Change # 649 - Project # P2-14-00037

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings-Yellowstone County Unified Zoning Regulations.

Present Zoning: Entryway General Commercial

Proposed Zoning: Community Commercial

Tax ID # C04280A COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: Lot 7-A-2 of Amended Lots 2-A, 3-A and 7-A
of Amended Cole Acreage Tracts

Address or General Location (If unknown, contact County Public Works): 400 block of
Cole Street next to Lockwood branch of Western Security Bank

Size of Parcel (Area & Dimensions): 42,014 square feet/0.9645 acre

(see Exhibit C)

Present Land-Use: Undeveloped vacant land

Proposed Land-Use: mini-storage units



Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Glacier Bank (Scott Godfrey)
(Recorded Owner)
2812 1st Ave N., Billings, Mt 59101
(Address)
406-371-8220 SGodfrey@westernsecuritybank.com
(Phone Number) (email)

Agent(s): Ron Elkin, NAI Business Properties
(Name)
3312 4th Avenue N., Billings, MT 59101
(Address)
406-670-8935 relkin@naibusinessproperties.com
(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Scott Godfrey WLB, Division of Glacier Bank Date: 1/31/14
(Recorded Owner)

Debbie & Mitchell Howe - Applicant

County Zone Change 2013-2014 updated 9/13/13

Roster of persons attending pre-application neighborhood meeting:

1. Ron Elkin – Agent for Applicant
2. Debbie Howe – Applicant
3. Mitch Howe – Applicant
4. No property owner attended the meeting

Meeting synopsis results:

The three persons listed above arrived at the meeting site at 3:50pm and no property owner had arrived when we adjourned the meeting at 4:45pm.

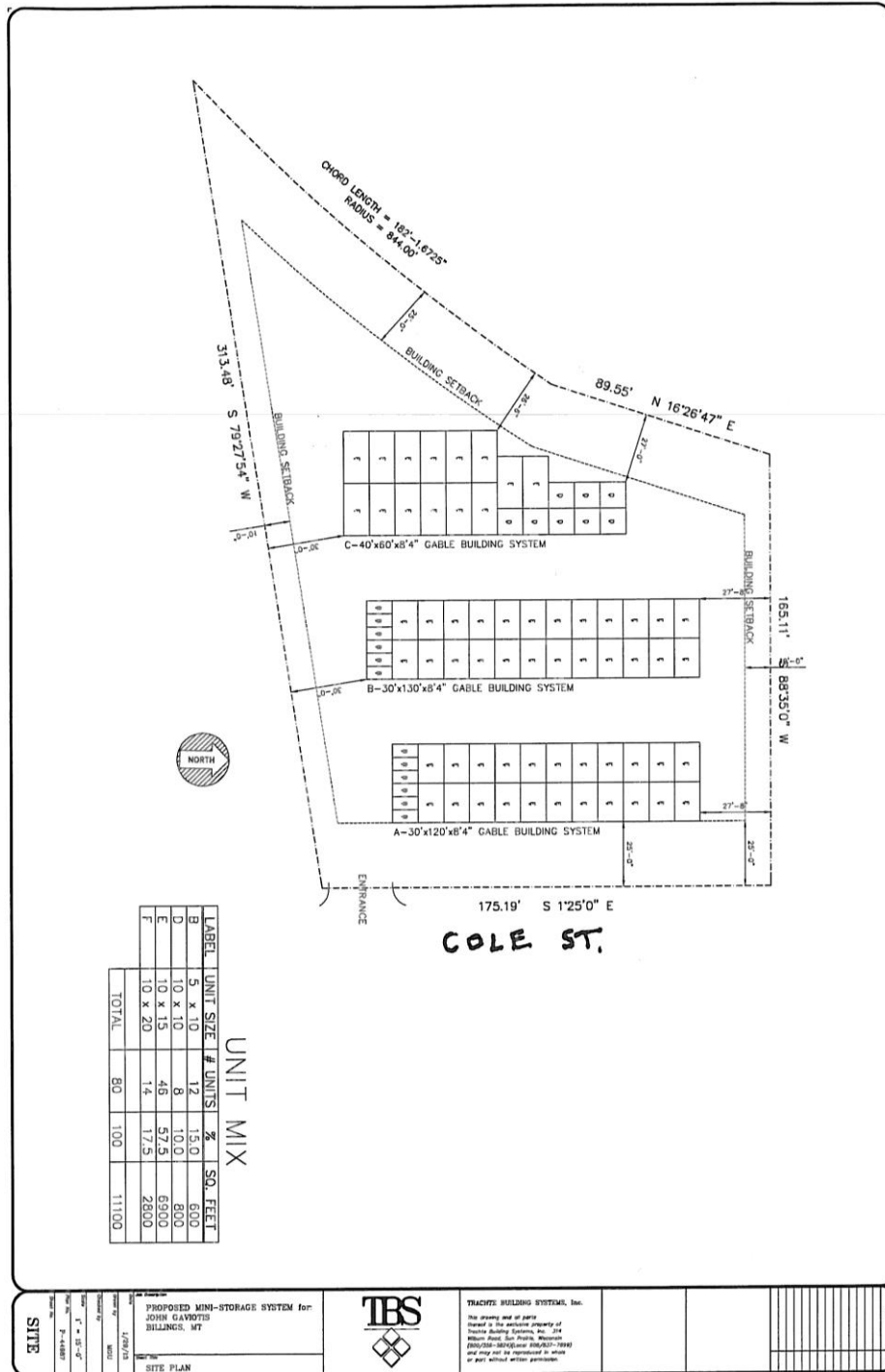
A. Why the need for a zone change.

The applicant intends to build attractive storage units on the 42,014 square feet of vacant land intended to serve the needs of Lockwood residents in a convenient and easily accessible location. The design and appearance of the project will complement the existing neighbors, Western Security Bank and the Holiday Inn Express motel.

The Planning Department has determined that the property's current zoning, Entryway General Commercial, will not support the development of mini-storage units. An alternative entryway zone classification, Entryway Light Industrial, would support storage units, however because the subject property fronts on both Cole Street and an on-ramp to I-90, that zoning requires extensive landscaping along both venues, reducing the useable area to where the project is no longer viable.

The three existing developed properties which are also situated along the I-90 on-ramp, Burger King, Western Security Bank and Holiday Inn Express, do not meet the landscape requirements of Entryway Light Industrial (see photos included herewith).

We are asking for a zone change to Community Commercial. This zoning will permit the development of storage units without the additional burden of extensive landscaping for the rear of the property facing the I-90 on-ramp. This would also fit with all of the similar properties along both the on and off-ramps of I-90 (Flying J Truck Stop, Burger King, Western Security Bank and Holiday Inn Express motel).









Attachment C – Zone Change #649
Site Photographs



Subject property – view north and west



View south – Western Security Bank
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Attachment C – Zone Change #649, continued
Site Photographs



View north and east to Holiday Inn Express



View south and east to residential homes on Old Hardin Road

Attachment C – Zone Change #649, continued
Site Photographs



Subject property



View of subject property from interstate on ramp

Attachment C – Zone Change #649, continued
Site Photographs



**Attachment D – Zone Change #649
Johnson Lane Master Plan**

YELLOWSTONE COUNTY BOARD OF PLANNING

4TH FLOOR, LIBRARY BUILDING • 510 N. 28TH
P.O. BOX 1178 • BILLINGS, MONTANA 59103
PHONE: (406) 657-8246

TO: Board of County Commissioners
FROM: County Board of Planning
THROUGH: Bill Arnold, Planning Director **BA**
DATE: June 30, 1994

RE: Johnson Lane Interchange Master Plan

RECOMMENDATION

The County Board of Planning, following a public hearing held on June 28, 1994, recommends that the Board of County Commissioners approve the Johnson Lane Interchange Master Plan. The Board of County Commissioners shall approve a Resolution of Intent to approve the master plan.

BACKGROUND

At its regular meeting of May 12, 1994, the Board of County Commissioners held a hearing on the proposed Johnson Lane Interchange Master Plan. Following a lengthy discussion, the Board voted to return this item to the Board of Planning for further discussion and recommendation. Specifically, the Commissioners asked that the Board address the following two issues:

1. Industrially-zoned land north of the interstate; and
2. The 150' strip of property adjacent to Mauser Street, across from Pat Dahl Subdivision.

In regard to the industrially-zoned land north of the interstate, the Board considered what methods are available to increase standards for newly-developed industrial uses. This issue was discussed at the Planning Board meeting of June 14, 1994. Five (5) options were presented by staff(attached) as methods to consider for addressing this issue. The staff recommended that new standards for industrial development be included in the Unified Zoning Code, which is currently being prepared by the Planning Department. Therefore, none of the industrially-zoned properties to the north of Interstate 90 at Johnson Lane are proposed to be included in the master plan.

SERVING BILLINGS, BROADVIEW AND YELLOWSTONE COUNTY

The one-hundred and fifty foot (150') strip of land adjacent to Mauser Street, across from Pat Dahl Subdivision was discussed at length at the last public hearing of the Planning Board held in Lockwood. The Planning Board recommends that the northerly portion of this strip, owned by Kon Sooper (Charlean Keller, President) be included in the master plan as Entryway General Commercial (EGC). This property is currently zoned Community Commercial (CC) under the County's Zoning Regulations. There are restrictive covenants (attached) filed on this property which address setbacks, access, and buffering. These covenants run with the land such that any future owner would have to comply with those restrictions as well. The restrictive covenants adequately provide for a transition to the residential uses to the east of this property. In addition, there is a likelihood that this property will be dissected with the re-alignment of the Johnson Lane/Becraft intersection. That would effectively limit the type and intensity of uses that would be possible in the future.

In terms of the southern portion of the 150' strip adjacent to Mauser Street, the Board is recommending that this property be included in the master plan as residential. This is the property owned by Mr. Jim McIntosh, and currently zoned Residential 9600 under the County's Zoning Regulations. As you recall, there was a proposal from Mr. McIntosh to provide a 50' landscaped buffer adjacent to Mauser Street. This proposal would leave the remaining land to Johnson Lane zoned as Entryway General Commercial. The neighborhood (owners within Pat Dahl Subdivision) does not support this proposal.

The Planning Staff feels that it is important to provide some type of land use transition between the commercial uses to the west and the residential uses to the east across Mauser Street. The landscaped buffer concept is not supported by the neighborhood, which makes it very uncertain as to how this buffer would be developed and maintained. We cannot conditionally approve zone changes, therefore there would be no guarantee to the County or the neighborhood that the buffer would be developed or maintained. Staff therefore recommends that this 150' strip be included in the master plan as residential. The Entryway General Commercial (EGC) property adjacent to the west would be required to provide a landscaped buffer with any development. That is a requirement within those regulations which address commercial development adjacent to residential uses.

The property could perhaps be rezoned to a multi-family classification which would allow for some transition, and would also increase the value of the 150' strip. The residential zoning of the property does also provide for public parks as an allowable use. This would leave the option open to discussion as to the opportunity or potential for a County park on this 150' strip. Obviously, if that option were pursued, there would have to be involvement from the County Parks Board, and some monetary compensation would have to be provided for the land.

RESOLUTION #1994-6

YELLOWSTONE COUNTY BOARD OF PLANNING
JOHNSON LANE INTERCHANGE MASTER PLAN

On the 28th day of June, 1994, the following was introduced, moved for approval and seconded. The motion carried on a vote of 10 to 0.

WHEREAS, the Yellowstone County Board of Planning has prepared and proposed a master plan for the Johnson Lane Interchange as required in 76-1-601 MCA; and

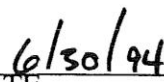
WHEREAS, on the 28th day of June, 1994, the master plan, known as the Johnson Lane Interchange Master Plan, was submitted to the Yellowstone County Board of Planning; and

WHEREAS, on the 28th day of June, 1994, a public hearing was held, as required in 76-1-602, MCA by the Yellowstone County Board of Planning to receive public comment concerning the Johnson Lane Interchange Master Plan;

NOW THEREFORE, the Yellowstone County Board of Planning, by Resolution, recommends to the Board of Yellowstone County Commissioners that the Johnson Lane Interchange Master Plan be adopted.


PRESIDENT


ATTEST: RECORDING SECRETARY


DATE

RESOLUTION 94-76

RESOLUTION TO ADOPT THE JOHNSON LANE INTERCHANGE
MASTER PLAN AS RECOMMENDED BY THE
YELLOWSTONE COUNTY BOARD OF PLANNING

WHEREAS, the Yellowstone County Board of Planning has prepared and proposed a master plan for the Johnson Lane Interchange, as required in Montana Code Annotated Section 76-1-601; and

WHEREAS, on the 26th day of April, 1994, the master plan, known as the Johnson Lane Interchange Master Plan, was submitted to the Yellowstone County Board of Planning; and

WHEREAS, on the 26th day of April, 1994, a public hearing was held by the Yellowstone County Board of Planning, for the purpose of receiving public comments on the proposed Yellowstone County Comprehensive Plans; and

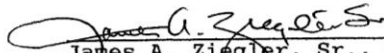
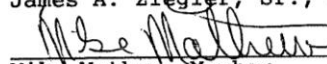
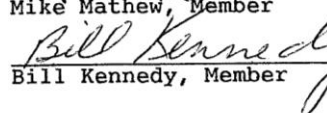
WHEREAS, the Yellowstone County Board of Planning, by resolution, has recommended adoption of the Johnson Lane Interchange Master Plan to the Board of County Commissioners; and

WHEREAS, pursuant to Montana Codes Annotated Section 76-1-604, the Board of County Commissioners adopted a Resolution of Intent to Adopt the Proposed Plan on July 12, 1994.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF YELLOWSTONE COUNTY, MONTANA, to adopt, in its entirety, the Johnson Lane Interchange Master Plan as recommended by the Yellowstone County Board of Planning.

DATED this 16th day of August, 1994.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


James A. Ziegler, Sr., Chairman

Mike Mathew, Member

Bill Kennedy, Member

ATTEST:


Merrill H. Klundt
Clerk and Recorder

